

REMARKS

By this amendment: (1) claim 16 is deleted with prejudice; (2) claims, 1, 17 and 20 have been amended to better define the invention; (3) new claims 21-31 are added to better define the invention.; (4) a version with markings to show changes made to the claims is provided; and (5) a clean copy of all pending claims showing them as they will be after amendment is provided.

This application now contains claims 1-15, and 17-31. In view of the above amendments and the remarks hereinafter, it is respectfully requested that this application be reconsidered.

The rejection of claims 1 and 3 under 35 U.S.C. 102(e) as being anticipated by Boon is respectfully traversed. Boon does not disclose the following recitations in claim 1:

"1.

* * *

arming the pressure pad when said pressure more than said predetermined pressure is on the pressure pad, whereby the pressure pad serves as a sensor;

activating an alarm when the pressure more than a predetermined pressure has been on the pressure pad for a predetermined time and is removed from the armed pressure pad after said predetermined time; and

disposing of the pressure pad when the patient no longer has use of the pressure pad without permitting use by another patient.".

Boon's pad activates the alarm even with momentary pressure put on the pressure pad. It is subject to errors for that reason. Boon does not disclose disposing of the pad after the one patient is done with it. The United States Patent and Trademark Office has the burden of going forward with the evidence and the burden of proof as to the question

of novelty under 35 U.S.C. 102 and that burden has not been satisfied.

Claim 3 depends from claim 1 and defines novelty over Boon for the same reasons

as claim 1.

Newly added claims 24 and 25 depend from claim 3 and are patentable under 35 U.S.C. 102 for the same reasons.

The rejection of claim 6, 11-12 and 14-20 under 35 USC 103(a) as being

unpatentable over Boon is respectfully traversed.

Claim 6 depends from claim 1 and includes the recitations of separately energizing

and arming the pad and alarming it only if the weight is removed a predetermined time after

the weight is placed on the pad. Boon alarms upon pressure being put upon the pad initially.

Claim 6 is also limited to tearing the plastic cover of the pad and disposing of it

initially. After use by a single patient. While it is true that some items are made to be disposable, it is not common place for alarming systems to be disposable. In fact, the Examiner has

not pointed to any alarming system which is disposable. The reason for that is that such

alarming systems are expensive and are not commonly made to be disposable.

It is not obvious to impart the delay time to avoid false alarms nor to make a pad disposable nor tearing it after a single use to be sure it is disposed of by any teaching in

Boon nor by any common teaching or logic. The common teachings or logic indicate that alarming systems should not be disposable because of cost. Normally they would be

chemically sterilized and reused. In the absence of some teaching of the problem of false alarms and the manner claimed for preventing it, the delay time is not obvious in view of

Boon.

As to claim 11, the Examiner is correct it would not be an invention to provide a housing for the control module. However, it is unobvious to provide a single casing for the control module and the pressure pad. The pressure pad is a flexible unit that responds to pressure placed upon it whereas the control unit is a unit that might be damaged by pressure rather than requiring pressure for its operation. Sensors for sensing outside pressure are not normally in the same casing with the pressure sensors that generate a signal for the control unit to respond to. Accordingly, claim 11 is patentable over Boon.

Claims 12, 13, 14, 15 and new claims 26-30 depend from claim 11 and are patentable for the same reasons.

Claim 17 recites a gel cushion which has the advantage of being particularly beneficial to some patients. This cushion serves the additional purpose of providing semifluid's pressure rather than spot pressure to permit use of pressure switches that do not cover the entire area of a gel pad, something that stiffer support members will not do. This is recited in combination with a time delay from the arming of an alarm which is also not disclosed in Boon. There is no suggestion or teaching in this record that indicates it would have been obvious to a person of ordinary skill in the art to use a gel pad in combination with a pressure switch. It is true that the member 16 between the conductors of Boon might be considered a cushion but it is not a cushion separate from the pressure switch but part of the pressure switch which has the function of providing a resistance which is variable with pressure between the conductors of Boon and is impeded from serving as a cushion in the manner of the gel pad by the stiff members on opposite sides of it. Claims 18 through 20 and newly added claim 31 depend from claim 17 and are patentable for the same reasons.

The rejection of claims 2, 4-5, 7-10 and 13 under 35 U.S.C. 103(a) as being unpatentable over Boon in view of Cross is respectfully traversed. Claim 2 depends from claim 1 and defines novelty to the time delay that is not disclosed nor suggested by either Boon or Cross. Thus, it is patentable for the same reasons. Moreover, claim 2 recites a combination of sensors which has the advantage of providing not only duplication but functions that cannot be provided by a single sensor. For example, while a pressure pad may indicate someone leaving a wheelchair or a bed it would not by itself indicate that the patient is slumping halfway in or halfway out of the chair nor indicate the direction of motion. Neither Boon nor Cross provide any suggestion of these unobvious advantages and claim 2 is therefore patentable for this additional reason. Claims 4 and 5 depend from claim 1 and are patentable for the same reasons as claim 1.

Claims 7-10, like claim 6, provide an unobvious advantage over either Cross or Boon in that they can detect multiple dangerous conditions and also provide redundancy for the same dangerous conditions. There is no suggestion in Cross nor Boon of this synergistic relationship. Newly added claims 21-23 depend from claim 2 and are patentable for the same reasons.

Claims 7, 8, 10, 21 and 23 are the sole invention of Kristen Robert Stroda. Claims 1, 3-6, 11, 12, 14, 15, 17-20, and 24-31 are the joint invention of Jesse Lee Preuss and Marvin Baldwin Jaques. Claims 2, 9, 13 and 22 are the joint invention of Kristen Robert Stroda, Jesse Lee Preuss and Marvin Baldwin Jaques.

Attached hereto is a marked-up version of the amended claims 1, 17, and 20 with the deletions in brackets and additions underlined. This attachment is labeled "**Version with markings to show changes made**". The marked up set of claims is followed by a

clean set of pending claims after amendment and introduced by the heading "What is claimed is".

Since each of the claims now in this application defines patentably over each of the cited references and every combination of the cited references and since the claims are proper and definite, it is respectfully requested that they be allowed and this application be passed to issue.

Respectfully submitted,

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Version with markings to show changes made

In the claims:

1. (amended) A method of monitoring a patient, comprising the steps of:
placing a pressure pad that is encased in a cover on a resting place for the patient;
energizing the pressure pad, whereby a signal is provided responsive to pressure
more than a predetermined pressure being placed on the pressure pad by the patient;
applying pressure more than said predetermined pressure to the pressure pad;
arming the pressure pad when said pressure more than a predetermined [weight]
pressure is on the pressure pad whereby the pressure pad serves as a sensor;
activating an alarm when the pressure more than a predetermined [weight]
pressure has been on the pressure pad for a predetermined time and is removed from the
armed pressure pad after said predetermined time; and
disposing of the pressure pad when the patient no longer has use of the pressure
pad without permitting use by another patient.

17. (amended) . A pressure pad [according to claim 16 wherein] comprising:
a gel cushion;
an alarm system having a pressure switch and an alarm;
said pressure switch being in communication with said gel cushion, whereby
pressure on the gel cushion results in pressure on the pressure switch;
said alarm being connected to said pressure switch to be controlled thereby;

the alarm system [is] being armed upon pressure being placed on the pressure pad and activated upon a release of the pressure if said pressure is removed longer than a predetermined time after the alarm is activated.

20. (amended) A pressure pad according to claim 17 in which the pressure switch includes two conductors spaced by a flexible material that permits contact between the conductors under a predetermined amount of pressure; said pressure switch being located under said gel cushion wherein said pressure switch receives pressure from a patients weight above said gel cushion transmitted through said gel cushion.